

REMARKS

Claims 1-4, 6-11, and 14 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Schlosser et al, U.S. Pat. No. 6,102,028 (hereafter Schlosser), in view of Traeger et al, U.S. Pat. No. 4,823,684 (hereafter Traeger).

The invention defined by amended claim 1 relates to a barbecue grill. The barbecue grill includes a main housing (designated 4 in the embodiment shown in FIG. 1) having an interior space, a cooking grate (designated 12) within the interior space for receiving food items to be cooked, and a primary heat source (8) below the cooking grate for transmitting heat to food items located on the cooking grate. The barbecue grill also includes a secondary housing (30, FIG. 2) within the interior space, a secondary heat source (68, FIG. 3) below the secondary housing for generating heat independently of the primary heat source (8) and transmitting heat to the secondary housing, and a container (56) for receiving wood pellets. The container (56) is accessible from the exterior of the main housing (4) and is positioned for delivering wood pellets to the secondary housing structure (30). The secondary heat source (68) generates heat independently of the primary heat source (8).

Schlosser describes a barbecue grill 10. The Schlosser grill 10 includes a cooking vessel 14, an upper cooking grate 20, and a lower gas burner assembly 16. Schlosser describes a smoker attachment 22 including a housing 24. Smoker chips are intended to be placed in the housing 24 and the smoker attachment 22 placed upon sear bars 18 within the cooking vessel 14. During operation, the sear bars 18 conduct heat from the gas burner assembly 16 to the housing 24. The examiner asserts that the barbecue grill 10 and the smoker attachment 22 are equivalent to the invention defined by claim 1, except that Schlosser does not describe the housing 24 as being accessible from the exterior of the cooking vessel 14.

Traeger describes a barbecue apparatus including a pan 10 and a hopper 68, exterior to the pan, for receiving wood pellets. The wood pellets are transported from the hopper 68 to an interior of the pan 10, where they are exposed to heat from a burner assembly 32.

The examiner asserts that it would have been obvious to combine the barbecue grill 10 and smoker attachment 22 of Schlosser with the hopper 18 of Traeger to arrive at a barbecue grill equivalent to the

invention defined by claim 1. The examiner also asserts Schlosser's sear bars 18 are equivalent to the secondary heat source (68). However, the sear bars 18 are primarily for transmitting heat from the primary heat source 8 to the cooking grate 20 and to food items located on the cooking grate. Schlosser describes taking advantage of this purpose by placing the smoker attachment upon the sear bars 18 thus intercepting some of this heat, but that is not what the sear bars 18 are "for" as is required by the invention defined by amended claim 1. The sear bars are also dependent on the primary heat source 8 to conduct heat to the smoker attachment 22 while the invention defined by amended claim 1 is limited to the secondary heat source (68) generating heat independently of the primary heat source (8). Neither Schlosser nor Traeger discloses or suggests a secondary heat source for generating heat independently of a primary heat source and transmitting heat to a secondary housing.

It is therefore submitted that the invention defined by amended claim 1 is not disclosed or suggested by Schlosser or Traeger, whether taken singly or in combination. Applicant submits that therefore amended claim 1 is patentable. It follows that dependent claims 2-20 are also patentable.

Respectfully submitted,



John Smith-Hill
Reg. No. 27,730

SMITH-HILL & BEDELL, P.C.
16100 N.W. Cornell Road, Suite 220
Beaverton, Oregon 97006

Tel. (503) 574-3100
Fax (503) 574-3197
Docket: HUTT 2568